

REMARKS

Reconsideration of the above-identified application is respectfully requested.

In the Office Action of April 12, 2005, which has been made FINAL, the Examiner first rejected Claims 1 and 28 under 35 U.S.C. §103(a), as being allegedly unpatentable over applicants' admitted prior art ("AAPA") in view of Sawyer (U.S. Patent No. 6,603,972 B1) (hereinafter "Sawyer"). Further in the Office Action, the Examiner rejected Claims 2-5 and 29-32 as allegedly unpatentable over AAPA and Sawyer, as applied to Claims 1 and 28, in further view of Van Renesse (U.S. Patent No. 6,724,770) (hereinafter "Van Renesse").

The Examiner further objected to Claims 6-13 and 33-40 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

The Examiner did further indicate that Claims 14-27 were allowable.

With respect to the rejection of Claims 1 and 28 under 35 U.S.C. §103(a), as being allegedly unpatentable over AAPA and Sawyer, applicants note that the Examiner has indicated that the ability to repair stale messages is not required in the claim due to the current recitation of alternate language in Claim 1 (and Claim 28).

Thus, in order to clearly and definitively set forth the invention, applicants respectfully amend Claims 1 and 28 to remove the instance of alternate language and positively set forth that the invention includes a definite step of repairing stale messages in a message recovery phase. Applicants respectfully submit that the present amendment is being entered for clarification purposes to render Claims 1 and 28 clear and definite, and while entry thereof is not a matter of right, applicants submit that only upon complete understanding of the nature of the Examiner's rejection, this amendment

could not have been earlier presented. Thus, entry and consideration of this amendment is respectfully requested.


In sum, the present invention as set forth in Claims 1 and 28 is directed to a group-based multicast messaging system and method implementing a dedicated logger member for logging all multicast messages sent in the system, wherein the system and method reliably delivers messages from senders to receivers of the group. The method of the invention thus includes detecting by a receiver, one or more missing messages from a sequence of multicast messages sent to members of said group; soliciting retransmissions of missing messages to another member or logger of said group; and, determining said receiver's missing messages as stale, and enabling repair of the stale missing messages by a logger in a message recovery phase, wherein reliable delivery of messages in the multicast messaging system is ensured. The invention thus provides a stronger reliable delivery guarantee (see specification page 3, lines 6-11).

Respectfully, the Sawyer reference, in combination with the AAPA, does not teach or suggest the ability to repair stale messages in the context of a gossip based multicast protocol as in the present invention set forth in Claims 1 and 28. First of all, "stale" in Sawyer refers to a delayed receipt in an end-to-end communications protocol, and not the absence of a message in a multicast group member's receiver buffer after an elapsed time period in which messages are removed from the receiver buffer as in the present invention. In support of this, the Examiner is referred to Sawyer at col. 4, lines 49-53, where it is stated that data packets that have not been delivered in real-time (or close to real-time), e.g., due to network delays, are deemed irrelevant (Sawyer uses the term "stale") and may be discarded. Thus, in this respect, Sawyer teaches away from the present invention in that delayed data packets that are stale, i.e., not received in or close to real-time, are discarded—not repaired as in the present invention.

In view of the foregoing, the Examiner is respectfully requested to withdraw the rejections of Claims 1 and 28 under 35 U.S.C. §103(a). Accordingly, the Examiner is respectfully requested to withdraw the rejection of all claims dependent thereon.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,


Steven Fischman
Registration No. 34,594

Scully, Scott, Murphy & Presser
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 7472-4343
SF:gc